

DAVID J. HARRIS, ESQUIRE
ATTORNEY FOR DEBTOR
PA S. Ct. No.: 48558
FL Bar No.: 0451207

69 Public Square, Suite 700
Wilkes-Barre, PA 18701
Telephone: (570) 823-9400
Facsimile: (570) 208-1400
E-Mail: dh@lawofficeofdavidharris.com

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:	:	
	:	
JOSEPH M. RUTKOSKI, SR.	:	Chapter 13
	:	Case No.: 5:16-bk-04378-JJT
Debtor	:	

Toyota Motor Credit Corporation	:	
Movant	:	
v.	:	
Joseph M. Rutkoski, Sr.	:	
Debtor/Respondent	:	
and	:	
Kelly Ann Rutkoski	:	
Additional Respondent	:	
and	:	11 U.S.C. § 362 and 1301
Charles J. DeHart, III Esquire, Trustee	:	
Additional Respondent	:	

**DEBTOR'S OBJECTION TO MOTION OF TOYOTA MOTOR CREDIT
CORPORATION'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

The Debtor, JOSEPH M. RUTKOSKI, Sr., by and through his counsel, David J. Harris, Esquire, objects to the Motion for Relief from the Automatic Stay of Toyota Motor Creditor Corporation, as follows:

1. ADMITTED.
2. ADMITTED.
3. ADMITTED. By way of further answer, the undersigned does not represent the co-obligor, Kelly Ann Rutkoski and therefore, the Debtor's objection to the instant Motion is only on behalf of the Debtor.

4. DENIED. Movant's averment is a conclusion of law to which no responsive pleading is required and therefore such averment is deemed denied.

5. DENIED. Movant's averment is a conclusion of law to which no responsive pleading is required and therefore such averment is deemed denied.

6. DENIED. Strict proof thereof is demanded for trial. By way of further answer, the interest rate on the note evidencing the loan is set at 0%, whereas the Movant's proof of claim reflects a 5.25% interest rate. A copy of the note is attached to Movant's motion.

7. DENIED. Strict proof thereof is demanded for trial. By way of further answer, the interest rate on the note evidencing the loan is set at 0%, whereas the Movant's proof of claim reflects a 5.25% interest rate. A copy of the note is attached to Movant's motion.

8. DENIED. Strict proof thereof is demanded for trial.

9. DENIED. Movant's averment is a conclusion of law to which no responsive pleading is required and therefore such averment is deemed denied.

WHEREFORE, the Debtor respectfully requests that this Honorable Court deny the relief sought by Movant in its Motion.

AFFIRMATIVE DEFENSES

10. Debtor hereby incorporates by reference his answers in Paragraphs 1 through 9 above as if made a part hereof.

11. There is sufficient equity in the subject property.

12. Movant is adequately protected.

13. The subject property is necessary to the Debtor for an effective reorganization.

14. There is no cause for granting the relief sought by Movant in its Motion.

WHEREFORE, the Debtor respectfully requests that this Honorable Court deny the relief sought by Movant in its Motion.

RESPECTFULLY SUBMITTED

Dated: September 6, 2017
Wilkes-Barre, Pennsylvania

By: /s/ David J. Harris
DAVID J. HARRIS, ESQUIRE